

1 BILL NO. G-89-07-27

2
3 GENERAL ORDINANCE NO. G-2089

4 AN ORDINANCE amending Section 32-5(c)
5 of Chapter 32 "Weeds and Other
6 Environmental Nuisances" of the Code
7 of the City of Fort Wayne

8 WHEREAS, the Common Council of the City of Fort Wayne
9 by and through General Ordinance No. G-09-88, adopted May 24,
10 1988, established a method of seeking abatement of
11 environmental public nuisances;

12 WHEREAS, said Ordinance was subsequently codified as
13 Chapter 32 of the Fort Wayne City Code;

14 WHEREAS, Section 32-5(c) of said chapter requires
15 notice of the order to abate to be served on the private
16 property owner either by a law enforcement officer or by
17 certified mail to the owner;

18 WHEREAS, in many cases, the efforts to serve the notice
19 of abatement either by a law enforcement officer or by
20 certified mail are unsuccessful;

21 WHEREAS, to properly accomplish the purposes of the
22 City's prohibition against environmental public nuisances and
23 desire to timely abate such conditons, additional methods of
24 notice are necessary;

25 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
26 THE CITY OF FORT WAYNE, INDIANA;

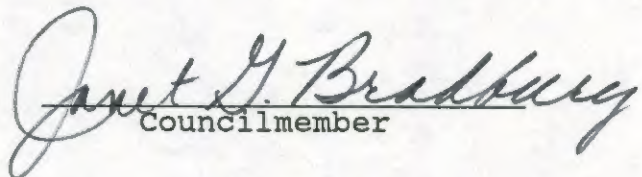
27 SECTION 1. Section 32-5(c) of Chapter 32 "Weeds and
28 Environmental Nuisances" of the Fort Wayne City Code is hereby
29 amended to read as follows:

30 (c) Notice to Abate. When a complaint
31 addresses private property, the inspector,
32 through the Controller of the City, shall
cause a written notice to abate to be
served upon the owner of the property in
question, granting that owner a minimum of
five (5) days in which to remove the
environmental nuisance. This notice shall
be served by a law enforcement officer, by
certified mail to the owner, or by a
"notice" placard conspicuously posted on
the property which contains the following
information: the address of the property,
the name of the property owner, the date of
the notice, the address and telephone
number of the Department of Neighborhood

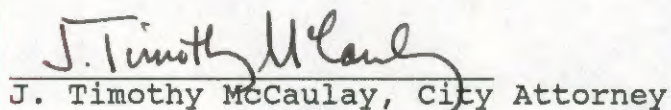
1 Code Enforcement, and a warning that if the
2 environmental public nuisance is not
3 removed within five (5) days after the
4 posting, the City of Fort Wayne will abate
5 said nuisance and seek recovery of the
6 actual costs involved in the removal of the
7 nuisance. The inspector, after posting a
8 notice to abate, shall serve to the owner
9 of the subject property a copy of the
10 notice by regular United States mail,
11 postage prepaid.

12 SECTION 2. Section 32-8 of Chapter 32 is hereby
13 amended to substitute "Department of Neighborhood Code
14 Enforcement" wherever "citizens advocate office" appears.

15 SECTION 3. This Ordinance shall be in full force and
16 effect from and after its passage and any and all
17 necessary approval by the Mayor.

18 
19 Councilmember

20 APPROVED AS TO FORM
21 AND LEGALITY

22 
23 J. Timothy McCaulay, City Attorney
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Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 7-11-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-1-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) _____ (ZONING MAP) _____ ORDINANCE RESOLUTION NO. Y-20-89
on the 1st day of August, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of August, 1989, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of August, 1989, at the hour of 2:30 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

Y-85-07-27

DEPARTMENT REQUESTING ORDINANCE DEPARTMENT OF NEIGHBORHOOD CODE ENFORCEMENT

SYNOPSIS OF ORDINANCE ORDINANCE AMENDING SECTION 32-5(c) OF

CHAPTER 32 "WEEDS AND OTHER ENVIRONMENTAL NUISANCES" OF THE

CODE OF THE CITY OF FORT WAYNE TO PROPERLY ACCOMPLISH THE

PURPOSES OF THE CITY CODE'S PROHIBITION AGAINST ENVIRONMENTAL

NUISANCES.

AMENDMENT WILL PROVIDE AN ALTERNATE METHOD OF NOTICE BY POSTING

ON THE PROPERTY IN QUESTION.

EFFECT OF PASSAGE ABATEMENT EFFORTS WILL BE INITIATED SOONER.

EFFECT OF NON-PASSAGE ABATEMENT EFFORTS WILL AWAIT ACTUAL SERVICE ON

THE PROPERTY OWNER.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO. G-89-07-27

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Section 32-5(c)
of Chapter 32 "Weeds and Other Environmental Nuisances" of the
Code of the City of Fort Wayne

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet G. Bradbury

Q. Schmidt

Samuel J. Talarico

Cletus R. Edmonds

DATED:

8-1-89.

Sandra E. Kennedy
City Clerk